

## Understanding Equality and Diversity legislation Introduction

One of the first things that groups want to know in relation to equality and diversity is the legislation. This section will make you more aware of what is required under the Act. It can also help you avoid unintentionally discriminating against anyone and ensure that your group stays within the law.

NB: Please note that the information in this section is for guidance only. It is not an authoritative statement of the law.

### **Introduction to the Equality Act 2010**

Equality law has been around in the UK for many years dating back to 1918 with the right for women to vote. Equality legislation is not intended to discriminate against the majority but provide support and opportunities for all.

### **The Equality Act 2010**

The Equality Act 2010 is a law which bans unfair treatment and helps achieve equal opportunities in the workplace and in the wider society.

The Equality Act 2010 replaced a complicated range of previous anti-discrimination laws with a single Act to make the law simpler. The Act also strengthens and extends public protection in some situations not previously covered by legislation.

The Act identifies nine 'protected characteristics' which are:

#### **1. Age**

This refers to people of a particular age group whether young, old, or somewhere in between.  
Disability.

A person has a disability if she/he has a physical or mental impairment and that impairment has a substantial and long-term adverse effect on someone's ability to carry out normal day to day activities.

## **2. Gender reassignment**

This applies to someone preparing to undergo/is undergoing/has undergone a process (or parts of a process) for the purpose of reassigning the person's sex by changing physiological or other attributes of sex.

## **3. Marriage and civil partnership**

This applies to someone who is married or is a civil partner.

## **4. Pregnancy and maternity**

Pregnancy is the condition of being pregnant or expecting a baby. Maternity refers to the period after the birth, and is linked to maternity leave in the employment context. In the non-work context, protection against maternity discrimination is for 26 weeks after giving birth, and this includes treating a woman less favourably because she is breast feeding.

## **5. Race**

This includes colour, nationality, ethnic or national origin or caste. A racial group is a group of persons defined by reference to race and may actually comprise two or more distinct racial groups.

## **6. Religion and belief**

This means any religion, including a lack of religion; belief means any religious or philosophical belief including a reference to a lack of belief.

## **7. Sex**

This is a reference to a man or a woman.

## **8. Sexual orientation**

This means a person's sexual orientation towards –

(a) persons of the same sex,

(b) persons of the opposite sex, or

(c) person of either sex. More information about what the law says on each of these characteristics and types of discrimination can be found in section 2.2 under the following headings:

1. Age
2. Disability.
3. Gender – sex, gender reassignment, marriage and civil partnership, pregnancy and maternity.
4. Race
5. Religion and belief
6. Sexual orientation.

Everyone has one or more of the protected characteristics, so the Act protects everyone against unfair treatment.

The full Equality Act 2010 and extensive (but quite readable) guidance can be downloaded from

the Equality and Human Rights Commission website at: [www.equalityhumanrights.com](http://www.equalityhumanrights.com).

Some definitions

**DIRECT DISCRIMINATION**

Discrimination by one person against another because of a protected characteristic.

**INDIRECT DISCRIMINATION**

Can occur when you have a rule or policy that applies to everyone but disadvantages a particular protected characteristic.

**DISCRIMINATION BY ASSOCIATION**

Direct discrimination against someone because they associate with another person who possesses a protected characteristic.

**DISCRIMINATION BY PERCEPTION**

Direct discrimination against someone because the others think they possess a particular protected characteristic.

**HARASSMENT**

Employees can now complain of behaviour they find offensive even if it is not directed at them.

**VICTIMISATION**

Someone is treated badly because they have made/supported a complaint or grievance under the Act.313

**PREJUDICE**

This means having unreasonable feelings, opinions or attitudes (usually hostile). For instance, having a preconceived, negative idea about a person or group of people that is not based on fact.

**STEREOTYPING**

An exaggerated belief that may be true or false and can be positive or negative, that generalizes without allowing for individual differences. Stereotyping may lead to discrimination and a breakdown in community relations.